

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-----------------------------------|---|----------------------------------|
| U.S. National Phase Application |) | |
| of International Application No.: |) | |
| PCT/IB2002/005216 |) | Group Art Unit: Not Yet Assigned |
| |) | |
| Inventors: Vincenzo BOFFA et al |) | Examiner: Not Yet Assigned |
| |) | |
| Application No.: 10/538,192 |) | |
| |) | |
| Filed: June 9, 2005 |) | |
| |) | |
| For: METHOD FOR OPTIMIZING THE |) | |
| POSITIONING OF HIGH |) | |
| SENSITIVITY RECEIVER FRONT- |) | |
| ENDS IN A MOBILE TELEPHONY |) | |
| NETWORK AND RELATED |) | |
| MOBILE TELEPHONY NETWORK |) | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF FACTS UNDER 37 C.F.R. § 1.47(b)
BY PAOLA PETIVA

I, Paola Petiva, hereby declare as follows:

1. I am employed in the Industrial Property Rights Function, Telecom Italia S.p.A. c/o Pirelli & C. S.p.A. at Viale Sarca 222, 20126 Milano, Italy. One of my responsibilities is to assist in the processing of my company's patent applications to be filed in the United States and Canada.

2. On or about December 12, 2002, I sent a copy of the above-identified as filed PCT application, PCT/IB02/05216, to each of the inventors listed in the "To:" heading of my letter, including Mr. Enrico Giovanardi, and I advised the inventors that the patent

application had been filed with the WIPO Patent Office in GENEVA on December 10, 2002, listing each of them, including E. GIOVANARDI, as a co-inventor. As shown on my letter, the enclosure was a copy of the patent application. (See copy of the original and English-language translation attached hereto and identified as EXHIBIT A).

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that the willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed: 
Paola Petiva

Dated: June 6, 2007

Evidence 9



STRICTLY CONFIDENTIAL

Pirelli Società per Azioni ["Stock Company"]

Industrial Property Department

From: P. Petiva

To: V. Boffa
E. Damosso
E. Giovanardi
R. Mele
F. Ricci
L. Stola
D. Tealdi

c.c. F. Bettini
E. Albizzati*

P.G. Giannesi*

Our Ref.: PC1014.WO.P0

December 12, 2002
0270/mip - 2481

Subject: **First filing of an application for an international patent
No. PCT/1B02/05216**

Date of first filing (priority date): **December 10, 2002**

Title: **"Method to Optimize Positioning of High Sensitivity Receiver Front-End in a Mobile Telephone
Network and Related Mobile Telephone Network"**

On behalf of: **PIRELLI CAVI E SISTEMI SpA and TELECOM ITALIA SpA**

We are advising you that the above-mentioned patent application has been filed with the WIPO Patent Office in Geneva on the above-mentioned date, listing as inventors:

V. BOFFA, E. DAMOSSO, E. GIOVANARDI, R. MELE, F. RICCI, L. STOLA, D. TEALDI

We recall that within a year from the date of the first filing it is possible to extend the patent applications to the concerned countries; the Industrial Property Department (DPI) will therefore take steps to inform the officials at the proper time for a joint decision in this regard.

We are attaching a copy of the above-mentioned patent application, recalling that the patent applications are published only **18 months** after the date of the **first filing** and that, therefore, during this period they are **secret**. In this regard, in the event the need arises to disclose the invention or describe it to third parties, before the expiration of this period, we invite you to contact the Industrial Property Department (DPI) to jointly assess the methods and the purposes of this disclosure (it is a corporate policy to keep the contents of the application secret, unless there is an express decision to the contrary).

Cordially yours,

Paola Petiva
Industrial Property Department
[Signed:] Paola Petiva

Encl.: Copy of the patent application
* No attachments

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VAT Registration No. 00886890151
Milan Court Registration 197367
Chamber of Commerce, Industry, Crafts and
Agriculture of Milan 576645

Italian Exchange Bureau Registration no. 1745
Capital fully paid in
EURO 1,032,152,414.26



STRETTAMENTE RISERVATO

Pirelli Società per Azioni
Direzione Proprietà Industriale

Da: P. Petiva

a: V. Boffa
E. Damosso
E. Giovanardi
R. Mele
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P.G. Giannesi *

Ns. rif.: PC1014.WO.P0

12 Dicembre, 2002
0270/mip - 2481

Oggetto: **Primo deposito di domanda di brevetto Internazionale**
No. PCT/IB02/05216

Data primo deposito (data di priorità): **10 Dicembre, 2002**

Titolo: **"Method to optimize positioning of high sensitivity receiver front-end in a mobile telephone network and related mobile telephone network"**

A nome: **PIRELLI CAVI E SISTEMI S.p.A. e TELECOM ITALIA S.p.A.**

Comunichiamo che la domanda di brevetto in oggetto è stata depositata presso l'Ufficio Brevetti "WIPO" di Ginevra alla data sopra indicata, nominando come inventori:

V. BOFFA, E. DAMOSSO, E. GIOVANARDI, R. MELE, F. RICCI, L. STOLA, D. TEALDI

Ricordiamo che entro un anno dalla data di primo deposito è possibile estendere la domanda di brevetto nei paesi di interesse; DPI provvederà pertanto ad informare i responsabili nei tempi dovuti per una decisione congiunta in merito.

Alleghiamo una copia della domanda di brevetto in oggetto, ricordando che le domande di brevetto vengono pubblicate solo dopo **18 mesi** dalla data di **primo deposito**, e che quindi in tale periodo esse sono **segrete**. A tale riguardo, nel caso si presenti la necessità di divulgare l'invenzione, o descriverla a terzi, prima della scadenza di tale periodo, vi invitiamo a contattare DPI per valutare congiuntamente i modi e gli scopi di tale divulgazione (è politica aziendale mantenere segreto il contenuto della domanda, a meno che non ci sia una decisione esplicita in contrario).

Cordiali saluti.

Paola Petiva
Direzione Proprietà Industriale

All: Copia domanda di brevetto
* Senza allegati